<u>REMARKS</u>

Claims 1-20 are currently pending in the subject application and are presently under consideration. In an advisory action dated September 9, 2009, all claims were rejected. On January 7, 2009, an RCE was filed without amendments. In the present response Applicants traverse the rejections as follows.

I.   Telephonic Interview

On January 23, 2009, a telephonic interview was held between Examiner Bayard and Thomas Thibault, representing Applicants. The rejection to the claims in regard to McCarty was discussed. No agreement was reached, however Examiner Bayard requested that a thorough explanation of Applicants' position with respect to McCarty was requested. Applicants provide an expanded discussion of McCarty as it relates to the pending claims.

II.   Rejection of Claims 1 and 11 Under 35 U.S.C. §103(a)

Claims 1 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Duarte et al. (US 2003/0030670) in view of McCarty (US 2004/0143633). It was alleged that Duarte et al. teaches all of the features of Applicants' claimed subject matter, but that Duarte et al. fails to teach providing an indication to an instant messaging device that a first and second user are logged in together at a multi-user computer. It was further alleged that McCarty teaches this feature and that it would have been obvious for one skilled in the art to combine the teachings of both references to arrive at Applicants' claimed subject matter. Applicants do not believe that the combination of references teach each and every element of Applicants' claimed subject matter.

Applicants do not believe that McCarty et al. teaches "***providing an indication to the instant messaging device that the first user and the second user are logged into the instant message system together through the multi-user computer***", as recited in Applicants' independent claims. It was alleged that McCarty et al. teaches this feature in paragraphs 0055 and 0070.

McCarty et al. teaches an instant message system using "privacy policies" for accepting and delivering instant messages. In the background section of the specification, McCarty discusses the problem of receiving unwanted instant messages (i.e., spam). McCarty's solution

is to send a "challenge" to a sender, asking the sender to provide a "privacy code" prior to delivery of the message to a recipient. If the sender responds with a correct privacy code, the message is forwarded to the recipient. If not, the message is discarded. The privacy code ensures that all messages received by a recipient are legitimate and are not spam (see McCarty, Summary, paragraph 0017).

McCarty further discusses a "privacy policy", comprising one or more privacy codes, as well as rules used to process messages. For example, the privacy policy may define whether messages should be forwarded to a recipient as in instant message or an email, and whether to turn the privacy policy on or off. Paragraph 0054 states, "A privacy policy contains rules and parameters, including currently valid privacy codes for a given user, for establishing and using privacy codes in conjunction with the acceptance and delivery of instant messages from other instant message clients."

In paragraph 0055, McCarty then discusses the possibility of integrating multiple privacy policies and how they can be managed at a single client device:

> "Multiple policies or multiple sets of policies may be managed at a single client device if the client device is used by multiple unique users or if the client device is used by a single user with reference to multiple user identities."
> (*McCarty et al., paragraph 0055, lines 5-9*)

This paragraph simply describes how multiple privacy policies, belonging to multiple users, may be *managed* at a single client device (i.e., creating, reviewing, editing, adding, deleting, etc). It teaches how multiple unique users may modify their policies using a single client device or how one person with multiple user identities may manage his/her privacy policies. However, nowhere in paragraph 0055 is it taught or suggested that an indication is sent to an instant messaging device specifying that first and second users are logged into the instant messaging system through a single client device. Paragraph 0055 simply describes managing (i.e., creating, reviewing, editing, adding, deleting, etc) the privacy policies associated with each user of the instant messaging system.

Paragraph 0070 describes one step in a process, as shown by Figure 6, which describes how privacy codes are obtained during the establishment of an instant messaging session or connection. Paragraph 0070 describes a step in the process where it is determined whether or not the privacy policy is active or not. There is absolutely no teaching or suggestion of sending an

indication to a client device specifying that two users are logged into the instant messaging system at a single client device. The rejection to claims 1 and 11 should be withdrawn on this ground as well.

III.   Rejection of Claims 2 and 20 Under 35 U.S.C. §103(a)

Claims 2 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Duarte et al. (US 2003/0030670) in view of McCarty (US 2004/0143633) as applied to claims 1 and 11 above, and further in view of Szeto et al. (US 2003/0140103). Claims 2 and 20 depend on claims 1 and 11, respectively. Applicants believe that claims 2 and 20 are allowable as being dependent upon allowable claims, namely claims 1 and 11, as argued above.

IV.   Rejection of Claims 3-10 and 12-19 Under 35 U.S.C. §103(a)

Claims 3-10 and 12-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Duarte et al. (US 2003/0030670) in view of McCarty (US 2004/0143633) as applied to claims 1 and 11 above, and further in view of Thomas (EP 1 241 890). Claims 3-10 and 12-19 depend on claims 1 and 11, respectively. Applicants believe that claims 3-10 and 12-19 are allowable as being dependent upon allowable claims, namely claims 1 and 11, as argued above.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP666US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

 /Thomas Thibault/
Thomas Thibault
Reg. No. 42,181

Amin, Turocy, & Calvin LLP
57th Floor - Key Tower
127 Public Square
Cleveland, OH 44114
Telephone: (216) 696-8730
Facsimile: (216) 696-8731
Direct Phone: (858) 735-1097
tthibault@thepatentattorneys.com